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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,515	12/22/2000	Turkka Keinonen	4925-78	1742

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EXAMINER

OMARY, NAWARA T

ART UNIT

PAPER NUMBER

2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/745,515

Applicant(s)

KEINONEN ET AL.

Examiner

Nawara T. Omary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 8, 10-16, 19, and 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Alperovich (Patent #6,175,741).

In regard to Claim 1, Alperovich discloses a communication system between two mobile terminals communicating with each other (MS 20a and MS 20b of figure 2). Where the sending MS can be called the first party, and the receiving MS can be called the second party. Alperovich also discloses in his system the transmittal of data from the sending first party to the receiving second party via a notifying message each time changes occur to such data (Abstract)(Figure 2 – items 20a, 20b)(C4, L.6-27).

In regard to Claim 3, Alperovich discloses in his system the interface module to be included in the sending terminal (MS 20) in which it can access the network (C4, 32-36).

In regard to Claim 4, Alperovich discloses in his system the information of the second party residing in the first party which is referred to be part of the history file (Abstract)(C4, L.6-43).

In regard to Claim 5, Alpreovich discloses the receipt of a notifying message in a visual graphical image form (C6, L. 4-6).

In regard to Claim 8, Alperovich discloses that the terminal of the second party would have the ability to receive the notifying messages as can be seen in (figure 3, items 28a and 28b). Alperovich also discloses that the sent messages to the second party can vary according to their content as can be seen through the customized supplementary services (C5, L. 28-67)(C6, L.1-3).

In regard to Claim 10, Alpreovich discloses that different types of messages can comprise different personalized messages in his system. Where the examiner equates the applicant's concept of "personalized messages" to Alperovich's concept of "supplementary service application". (C5, L.52-56).

In regard to Claim 11, Alperovich discloses the data can be of a short message service (SMS) form, or a contact information form, in which it include contact's name, address, email address, company name, etc (C4, L.11-16)(C.8, L. 38-64).

In regard to Claim 12, Alperovich discloses a method of communicating messages between via two mobile terminals (MS 20a and MS 20b of figure 2). Where the sending MS can be called the first party, and the receiving MS can be called the second party. Wherein the transmittal of data from the sending first party to the receiving second party via a notifying message each time changes occur to such data (Abstract)(Figure 2 – items 20a, 20b)(C4, L.6-27).

In regard to Claim 13, the rejection is based on the same reason as set forth in Claim 3.

In regard to Claim 14, the rejection is based on the same reason as set forth in Claim 4.

In regard to Claim 16, the rejection is based on the same reason as set forth in Claim 5.

In regard to Claim 19, the rejection is based on the same reason as set forth in Claim 8.

In regard to Claim 21, the rejection is based on the same reason as set forth in Claim 10.

In regard to Claim 22, the rejection is based on the same reason as set forth in Claim 11.

In regard to Claim 23, Alperovich further discloses in his method the step of data object activation comprises one of changing (or editing), accessing (or displaying), forwarding (or sending) etc. (C4, L.66-67)(C5, L.1-27).

In regard to Claim 24, this claim is rejected for the same reason as set forth in Claim 1, wherein a processor, a storage device, and software means are inherently included in the mobile terminal in order to process data objects.

In regard to Claim 25, Alperovich discloses a notifying method between two mobile terminals, in a wireless network, communicating with each other (MS 20a and MS 20b of figure 2). Where the sending MS can be called the first party, and the receiving MS can be called the second party. Alperovich also discloses in his system the transmittal of data from the sending first party to the receiving second party via a notifying message each time changes occur to such data

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(Abstract)(Figure 2 – items 20a, 20b)(C4, L.6-27). It is to note that within a wireless network, the mobile stations would perform a two type of communications, in which it makes the mobile station switching from being manipulated to being a manipulator depending on its own location and historical data (C1, L. 24-67)(C2, L.1-11).

In regard to Claim 26, Alperovich discloses that steps of manipulating, sending and notifying of electronic representation or data is performed by a mobile terminal (Fig. 2, 20a or 20b).

In regard to Claim 27, Alperovich discloses the step of data association of data or electronic representation at the first terminal and the receipt of notification at a second terminal (Abstract)(C1, L.24-67)(C4, L1-11, L6-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 and 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Skog (Patent # 6,545,988).

In regard to Claims 2 and 15, Alperovich discloses in his system a communication apparatus between two mobile terminals in which at least one of the terminals comprises data objects associated with the other communicating terminal. However, Alperovich does not utilize the terms of “source”, or “originator”, or “target”, etc to describe his system. Skog teaches in his Method and Device in Telecommunications Network the use of the term “originator” to one of the described terminals.(C2, L.40-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to follow Skog on Alperovich in order to provide better association information.

In regard to Claim 28, the rejection is based on the same reasons as set forth in Claims 2 and 4 combined.

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5. Claims 6, 9, 17, 20, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Schroeder et al. (Patent # 6,032,053).

In regard to Claim 6, Alperovich discloses the receipt of a notifying message in a visual graphical image form (C6, L. 4-6). However, Alperovich does not disclose the receipt of a notification message in a tactile form. Schroeder et al. teach in their signaling system a message receipt in a tactile form and the means for imparting it would be vibratory (C8, L.14-20).

In regard to Claim 9, Schroeder et al. further disclose in their modified system that imparting different types of notifying messages comprises means for imparting different types of vibratory signals (C7, L.63-66)(C8, L.1-20).

In regard to Claim 17, the rejection is based on the same reason as set forth in Claim 6.

In regard to Claim 20, the rejection is based on the same reason as set forth in Claim 9.

In regard to Claim 29 and 30, the rejection is based on the same reason as set forth in Claim 6.

6. Claims 7, 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Schroeder et al. (Patent # 6,032,053) in further view of Novakov (Patent #6,51,103).

In regard to Claims 7, the communication system of Alperovich as modified in view of Schroeder as indicated in Claim 6 includes a tactile signal that can be detected by a receiving terminal in a vibratory form. However, the modified system does not provide a short range communication link (blue tooth) capability for the receiving second terminal. Novakov teaches in his communication system to equip mobile terminals with blue tooth transceiver for establishing a short range communication link (C4, L.16-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Alperovich's system of communication so as to include Novakov's use of the Blue Tooth Standard in order to provide the second receiving terminal with a short range communication capability.

In regard to Claim 18, the rejection is based on the same reason as set forth in Claim 7.

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In regard to Claim 31, the rejection is based on the same reason as set forth in Claim 7.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nawara T. Omary whose telephone number is 703.305.6311. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703.308.5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Nawara T. Omary



September 9, 2003



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